

Nancy Curry, Chapter 13 Trustee
1000 Wilshire Boulevard, Suite 870
Los Angeles, CA 90017
Tel: (213) 689-3014
Fax: (213) 689-3055

UNITED STATES BANKRUPTCY COURT CENTRAL DISTRICT OF CALIFORNIA – LOS ANGELES DIVISION	
IN RE: ROMERO-COLEMAN, ELSIE	CASE NO. 2:18-bk-15483-VZ CHAPTER 13 TRUSTEE’S OBJECTION TO CONFIRMATION OF DEBTOR’S CHAPTER 13 PLAN UNDER 11 USC §§§1322, 1325 AND 1326; DECLARATION IN SUPPORT; NOTICE OF POSSIBLE DISMISSAL OR CONVERSION UNDER 11 USC §1307 DATE: September 16, 2019 TIME: 09:00 AM COURTROOM: 1368 255 East Temple Street Los Angeles, CA 90012

The Chapter 13 Standing Trustee hereby objects to the confirmation of the proposed plan because the Debtor has failed to meet all necessary requirements as detailed in the attached declaration and supporting Exhibit A.

THE FAILURE OF THE DEBTOR, OR THE ATTORNEY REPRESENTING THE DEBTOR, TO RESPOND TO THESE OBJECTIONS, APPEAR AT THE CONFIRMATION HEARING AND FAILURE TO PRESENT EVIDENCE THAT ALL REQUIRED PAYMENTS ARE CURRENT MAY RESULT IN DISMISSAL OR CONVERSION OF THE CASE.

Therefore, the Trustee respectfully requests that confirmation of the plan be denied and for such other relief as the Court may deem appropriate.

DATED: June 22, 2018

/s/ Nancy Curry
Chapter 13 Standing Trustee

DECLARATION OF MASAKO OKUDA

I, MASAKO OKUDA, declare as follows:

1. Nancy Curry is the Chapter 13 Standing Trustee in this matter:

ROMERO-COLEMAN, ELSIE, 2:18-bk-15483-VZ

I am employed by the Trustee as a staff attorney and am duly qualified to make this declaration. The Trustee has files and records kept by her office in the regular course of business. I have personally reviewed the files and records kept by her office in the within case. The following facts are true and correct within my own personal knowledge and I could and would testify competently thereto if called upon to do so.

2. I object to the confirmation of the proposed Plan because of the specific deficiencies which are set forth in the attached Exhibit A which is incorporated herein by reference.

I declare under penalty of perjury that the foregoing is true and correct. Executed at Los Angeles, California on June 22, 2018.

DATED: June 22, 2018

/s/ Masako Okuda
Masako Okuda

Debtor: Elsie Romero-Coleman
Case No.: 2:18-bk-15483-VZ

§341(a): 6/21/2018

Debtor attorney: John M. Boyko

EXHIBIT A

Other issues may arise at or before confirmation requiring additional action or information by the debtor and counsel.

Identification missing or incorrect

The Debtor has failed to accurately list her Social Security Number on the Petition – the second digit should be 2, instead of 5.

The Debtor is requested to file the Amended Statement of Social Security Number, and send the Notice of Correction of Social Security Number to credit agencies and file proof of sending the Notice.

Feasibility

The Plan is infeasible [11 USC §1325(a)(6)] because

- | | |
|----|------------------------------------------------------------------------------------------------------------------------------------------------|
| 1. | A presently known claim total exceeds amount plan provides – Wells Fargo. |
| 2. | Scheduled income and expenses result in less than what is required to fund the Plan – I/J surplus \$3,559.66/mo v. plan payment \$4,438.00/mo. |

The Plan

The Debtor has failed to properly complete the Plan because:

- (1) No plan type is specified.
- (2) No Class-5 percentage is provided.
- (3) The scheduled entire claim owed to GCFS is inappropriately provide in Class-3A.

Liquidation

The Plan provides less for general unsecured creditors than they would receive in Chapter 7 [11 USC §1325(a)(4)].

There is non-exempt equity in the real property and personal property (cash, checking and savings accounts) in the amount of \$489,979.00 and \$117,579.00, respectively.

Income

The Debtor has failed to timely (7 days before the §341(a) debtor examination) provide complete copies of 2016 and 2017 Federal and State Income Tax Returns, including W-2s, 1099s (or other supporting documentation) [11 USC §521(e)(2), LBR 3015-1(c)(3)].

Miscellaneous

The Debtor is requested to provide information regarding the pending class action and legal malpractice action listed in Schedule A/B periodically.

PROOF OF SERVICE DOCUMENT

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is:

1000 Wilshire Blvd., Suite 870
Los Angeles, CA 90017

A true and correct copy of the foregoing document entitled (specify) **TRUSTEE'S OBJECTION TO CONFIRMATION OF DEBTOR'S CHAPTER 13 PLAN UNDER 11 USC §§§1322, 1325 AND 1326; DECLARATION IN SUPPORT; NOTICE OF POSSIBLE DISMISSAL OR CONVERSION UNDER 11 USC §1307** will be served (a) on the judge in chambers in the form and manner required by LBR 5005-2(d); and (b) in the manner stated below:

1. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF): Pursuant to controlling General Orders and LBR, the foregoing document will be served by the court via NEF and hyperlink to the document. On June 22, 2018, I checked the CM/ECF document for this bankruptcy case or adversary proceeding and determined that the following persons are on the Electronic Mail Notice List to receive NEF transmission at the email addresses stated below:

2. SERVED BY UNITED STATES MAIL: On June 22, 2018, I served the following persons and/or entities at the last known addresses in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States mail, first class, postage prepaid, and addressed as follows. Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.

ROMERO-COLEMAN, ELSIE

JOHN M. BOYKO

221 S. IRENA AVE #A
REDONDO BEACH, CA 90277-3429

21250 HAWTHORNE BLVD., STE. 700
TORRANCE, CA 90503-

3. SERVED BY PERSONAL DELIVERY, OVERNIGHT MAIL, FACSIMILE TRANSMISSION OR EMAIL (state method for each person or entity served): Pursuant to F.R.Civ.P.5 and/or controlling LBR, on June 22, 2018, I served the following persons and/or entities by personal delivery, overnight mail service, or (for those who consented in writing to such service method), by facsimile transmission, and/or email as follows. Listing the judge here constitutes a declaration that personal delivery on, or overnight mail to, the judge will be completed no later than 24 hours after the document is filed.

Honorable Vincent Zurzolo
U.S. Bankruptcy Court
Bin outside of Suite 1360
255 East Temple Street
Los Angeles, CA 90012

I declare under penalty of perjury that the laws of the United States that the foregoing is true and correct.

June 22, 2018
Date

Carlos Robles
Type Name

/s/ Carlos Robles
Signature